

## REMARKS/ARGUMENTS

Claims 1 to 15 are currently in this application. Claim 1 and 7 were amended. Support for the amendment to claim 1 may be found on page 10, lines 3 to 4. Claim 7 was amended to correct typographical errors.

Claims 1 to 2, 4 to 7, 9 to 11 have been rejected under 35 U.S.C. 103(a) as being obvious by United States Patent Number 5,565,181, Dieckmann et al. ("Dieckmann") in view of Kim (EP 554,968). This objection is respectfully traversed and rendered moot by the amendment to claim 1.

In order to establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Dieckmann teaches the use of a spinel additive to reduce NOx content (see Abstract). In contrast, the present invention does not claim a spinel because spinel is not active as a metal trap (see page 10, lines 3 to 4). Since Dieckmann does not teach every claim limitation, and in fact teaches away from the presently claimed invention, the 103(a) rejection should be withdrawn.

Claims 1, 3-7, and 9-10 have been rejected under 35 U.S.C. 103(a) as being obvious by United States Patent Number 5,108,979, Magnabosco et al. ("Magnabosco") in view of Kim.

In order to establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Magnabosco teaches the making and use of spinel as catalysts (see entire application). In contrast, the present invention does not claim a spinel because spinel is not active as a metal trap (see page 10, lines 3 to 4). Since Magnabosco does not teach every claim limitation, and in fact teaches away from the presently claimed invention, the 103(a) rejection should be withdrawn.

Claims 1 and 8 to 9 have been rejected under 35 U.S.C. 103(a) as being obvious by United States Patent Number 4,598,062 to Schneider et al ("Schneider") in view of Kim. Schneider relates to iron oxide/chromium oxide catalyst having high mechanical strength for high temperature water shift reactions (see Field of the Invention). Schneider's solution to the problem of mechanical strength is to produce magnesium spinels (see col. 2, lines 20-26; col. 3, lines 20 to 21; col. 3, lines 29 to 30; and col. 3, lines 31 to 32.). Similar to the Arguments above, since Schneider does not teach every claim limitation, and in fact teaches away from the presently claimed invention, the 103(a) rejection should be withdrawn.

Claims 1 4 to 7, and 11-15 have been rejected under 35 U.S.C. 103(a) as being obvious by United States Patent Number 5,603,823 to Kim ("Kim '823) in view of Kim. In

order to establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Kim '823 teaches a La/Nd spinel for metal passivation in FCC processes (see title) and also col. 2 lines 20-21, where the catalyst must contain spinel. In contrast, the present invention does not claim a spinel because spinel is not active as a metal trap (see page 10, lines 3 to 4). Since Kim '823 does not teach every claim limitation, and in fact teaches away from the presently claimed invention, the 103(a) rejection should be withdrawn

Based on the preceding remarks, the Examiner is requested to reconsider and withdraw all rejections, and pass this application to allowance. The Examiner is encouraged to contact Applicants' attorney should the Examiner wish to discuss this application further.

No fee is believed due for this response. If any fee is due, please charge the appropriate fee amount to Albemarle Deposit Account No. 01-0659.

Respectfully submitted,

/James A. Jubinsky/  
**James A. Jubinsky**  
Reg. No. 42,700  
Albemarle Corporation  
451 Florida Street  
Patent Law Department  
Baton Rouge LA US 70801-1765  
Telephone: 225-388-7295  
Facsimile: 225-388-7239